

REMARKS

In accordance with the foregoing, and claims 1, 5, 7-8, 12, 21, 23, 25, 27, 29, and 31 are amended. No new matter is being presented, and approval and entry of the amended claims are respectfully requested.

Claims 1, 2, 5, 7, 8, 11, 12, and 21-32 are pending and under consideration.

Claim Amendments

Independent claims 1, 5, 7-8, and 12 are amended herein, using claim 1 as an example, to replace the phrase "a way" with the phrase --information indicating a way-- so as to provide proper antecedent bases for the later recitation of "said information indicating the way."

Dependent claims 21, 23, 25, 27, 29, and 31 are amended herein to recite that billing is determined in accordance with "the position in the information source and the importance degree."

No new matter is being presented, and approval and entry are respectfully requested.

Allowable Subject Matter

In item 3 on page 2 of the Office Action, the Examiner indicates that dependent claims 22, 24, 26, 28, 30, and 32 recite allowable subject matter. Applicant thanks the Examiner for the indication of allowable subject matter.

The Examiner objects to claims 22, 24, 26, 28, 30, and 32 as being dependent upon a rejected base claim, but indicates they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22, 24, 26, 28, 30, and 32 are not rewritten since Applicant submits that patentability resides in respective independent claims 1, 5, 7, 8, 11, and 12 from which claims 22, 24, 26, 28, 30, and 32 depend.

35 U.S.C. §103(a) Rejection

In item 5 of the Office Action, the Examiner rejects claims 1-2, 5, 7-8, 11-12, 21, 23, 25, 27, 29, and 31 under 35 U.S.C. §103(a) as being unpatentable over Kubota (U.S.P. 5,506,902) in view of Ferguson et al. (U.S.P. 5,819,092).

The rejection is traversed.

Applicant submits that neither Ferguson nor Kubota, alone or in combination, teach features recited by each independent claim including paying a fee based on position and/or importance of information.

In item 6 of the Office Action entitled Response to Arguments the Examiner asserts:

[R]egarding the idea billing is determined in accordance with the importance degree of an article and that the importance degree is determined based on the display position of the article, [I]n response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that these features upon which applicant relies are not recited in rejected claims 1, 5, 7, 8, 11, and 12.

(Emphasis added).

Applicant submits that the Examiner errs in his statement since the features which patentably distinguish the present invention are recited in independent claims 1, 5, 7, 8, 11, and 12 (and respective dependent claims).

Independent claim 1, for example, recites a information distributing method for distribution of information corresponding to a request from a user terminal including "receiving the request from the user terminal and transmitting, to the user terminal, headlines attached to respective information sets that may correspond to the received request and information indicating a way in which these information sets are handled in an information source as layout information; displaying the headlines on the user terminal according to the layout information so the user can select any of the displayed headlines and receiving an identity of the selected headline from the user terminal; distributing to the user terminal and displaying the information of the set corresponding to the headline the headline identity indicates; and billing the user for the information of the set selected for display by the user, said information indicating the way the information is handled in the information source is information about a position in the information source and/or information about an importance in the information source (emphasis added)."

Independent claims 5, 7, 8, 11, and 12 have similar recitations.

That is, neither Ferguson nor Kubota teach "billing the user for the information of the set selected for display by the user" wherein the "information indicating the way the information is handled in the information source (i.e., "layout information") is information about a position in the information source and/or information about an importance in the information source (emphasis added)," as recited in each of the independent claims.

Rather, Ferguson merely teaches (col. 31, lines 32-59) that a user pays either:

- (1) a fixed fee to a content provider whenever a user views or downloads a particular document or program posted by that content provider; (or)
- (2) a variable fee to a content provider depending on the size of the provider's textual or graphic information that is downloaded by all users; (or)
- (3) a variable fee to a content provider when users perform full-text searches across the provider's database of documents. The fee paid to the content provider depends on how much time was spent performing searches; (or)
- (4) a variable fee to a content provider of (say) stock photo images when an

end-user downloads an image, where the fee depends on the total number of images downloaded by all end-users in the past; in effect, a quantity discount to the online service operator on paying for content.

(Emphasis added).

Kubota does not discuss billing or costing, at all.

Summary

Since features recited by independent claims 1, 5, 7, 8, 11, and 12 (and respective dependent claims) are not taught by the cited art alone or in combination and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-2, 5, 7-8, 11-12, 21, 23, 25, 27, 29, and 31 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: September 5, 2006

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